

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL INDICTMENT
v.	:	
	:	NO. 1:17-CR-224-AT-CMS
	:	
ALLEN J. PENDERGRASS	:	
	:	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW, the UNITED STATES OF AMERICA (“Government”), through its counsel Byung J. Pak, United States Attorney for the Northern District of Georgia, and Jeffrey A. Brown, Assistant United States Attorney, and files this unopposed motion to continue trial. In support of this motion, the Government states:

1.

On June 29, 2018, this Court scheduled the above referenced case for trial starting on Monday, August 6, 2018 at 9:30 am. On July 3, 2018, the Government filed its first unopposed motion to continue the trial in light of Government counsel’s previously scheduled trial starting on the same date.

2.

On April 12, 2018, Judge Steven C. Jones scheduled a trial in *United States v. Olayinka Olaniyi*, 1:15-cr-00457-SCJ-JSA to start on Monday, August 6, 2018. On July 20, 2018, the Court amended the start of the trial to Tuesday, August 7, 2018 at 9:30.

3.

On July 23, 2018, this Court granted the Government's motion to continue the trial and rescheduled the trial to start on August 21, 2018 two weeks after Government counsel starts the trial in the above referenced case. The Government expects the trial before Judge Jones to last the entire week and would only give counsel one full week before starting the trial in the instant case.

4.

Government counsel has consulted with Defense counsel and the parties are currently engaged in plea discussions and need additional time to reach an agreement in the case. Defense counsel does not oppose the instant motion to continue trial. The Government respectfully request that this trial be continued at least thirty (30) days to allow parties to reach a negotiated settlement or to prepare for trial.

5.

The government submits that the ends of justice served by this continuance outweigh the interests of the public and the Defendant in a more speedy trial. In this case, among other things, because of the government counsel's prior schedule trial, a failure to grant the continuance would unreasonably deny the Government continuity of counsel. Thus, the Government requests that the Court grant a motion to continue the trial and order pursuant to 18 U.S.C. § 3161(h)(7) that any time resulting from the continuance be excluded from Speedy Trial Act computations.

This 27th day of July, 2018.

Respectfully submitted,

BYUNG J. PAK
UNITED STATES ATTORNEY

/s/Jeffrey A. Brown
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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a

copy of the foregoing document by filing same in the Court's electronic filing system, where it will be automatically served upon:

Robert Citronberg

Undersigned counsel also certifies that this motion has been prepared in Times New Roman 14 point font, in compliance with LR 5.1B, NDGa.

This 27th day of July, 2018.

/s/ Jeffrey A. Brown
JEFFREY A. BROWN
ASSISTANT UNITED STATES ATTORNEY